(3)

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cf 001

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 1501 OF 2003

PETITIONER : Idris Ali, S/o. Ghafoor Ali, aged about 50 years, R/o. Jainagar, P/S and Tahsil Surajpur, District Surguja (C.G.).

Versus

RESPONDENTS : 1) D.G.M., Indian Oil Corporation Ltd. Marketing Division, Western Region, 254-C, Dr.Annie Besant Road, Prabhadevi, Mumbai (M.S.).

P.R. No. 1388/03
Presented by Shri S.Zulqarnain
dated 02.05.03

: 2) D.G.M., Indian Oil Corporation Ltd. Indian Oil Bhawan, 16 Jail Road, Area Hills, Bhopal (M.P.)

: 3) Divisional Manager
Indian Oil Corporation Ltd.
Raipur Division, V.I.P. Road,
Raipur (C.G.).

: 4) Depot Manager
Indian Oil Corporation Ltd.
Bishrampur, District Surguja (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE APPROPRIAT WRIT/WRITS, DIRECTION/DIRECTIONS AND/OR ORDER/ORDERS

01 **PARTICULARS OF THE PETITIONER**

(45)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1501 of 2003

Petitioner — Idris Ali

Versus

Respondents — D. G.M. Indian Oil Corporation Ltd. and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

None for the petitioner.

None for the respondents.

ORDER

(23rd August, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. In the present petition, the petitioner was employed as Khalasi on temporary basis. According to the petitioner, he continued to work for about 10 years in the respondent/Oil Corporation. The petitioner has filed this petition for a writ of mandamus to the respondents to take back the petitioner in service as a permanent employee.

2. Be that as it may, on perusal of the papers, it appears that the appointment of the petitioner was on temporary basis, not against any regular vacancy and not in accordance with the constitutional scheme or law and as such the petitioner has no right to reinstatement on the post.

3. In view of the decision of a constitutional Bench of Hon'ble the Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Umadevi (3) and others** { (2006) 4 Supreme Court

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Cases 1), the petitioner has no right for reappointment/reinstatement. A writ of mandamus, as prayed for by him, cannot be issued in the facts of the case.

4. In view of the foregoing, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge